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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 TOLL OBUON,

11 Plaintiff,

12 v.
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14 JUDGE RICHARD D. EADIE et al.,

15 Defendants.
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CASE NO. C18-1296RSM

ORDER DENYING PLAINTIFF'S
MOTIONS TO ALTER OR AMEND A
JUDGMENT

17 This matter is before the Court on various filings made by Plaintiff. Dkts. #48–#49, #52–
18 #59, and #63–#65.¹ On February 14, 2019, the Court entered an order dismissing Plaintiff's
19 action and denying him leave to amend his complaint and entered a judgment in conformance
20 with that order. Dkts. #43 and #44. Plaintiff subsequently filed approximately 200 pages across
21 these largely duplicitous filings. Most of the filings are captioned as motions for a new trial with
22 a demand for a jury trial. Dkts. #48, #49, #52, #53, #54, #55, #56, #58, #59, #64.² Plaintiff's
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25 ¹ On April 1, 2019, the Court received three additional filings from Plaintiff. Dkts. #66-68. The
Court finds the filings untimely and has not considered them.

26 ² Plaintiff's intent in filing multiple documents is unclear. Certain documents appear directed at
particular Defendants. *See e.g.*, Dkt. #52 (repeating Plaintiff's claims against Defendant Seattle
27 Police Department). Further, it is not clear that Plaintiff intended for all the filings to be treated

1 early filings rely on Federal Rule of Civil Procedure 59(a)–(b) as they relate to new trials. *See*
2 *e.g.*, Dkt. #49. No trial was held in this case and Plaintiff’s later filings rely on Rule 59(e). The
3 Court similarly interprets Plaintiff’s filings as motions to alter or amend a judgment under Rule
4 59(e).³

5 A motion for relief from judgment under Federal Rule of Civil Procedure Rule 59(e)
6 should be granted when the Court: “(1) is presented with newly discovered evidence; (2)
7 committed clear error or the initial decision was manifestly unjust; or (3) if there is an intervening
8 change in the controlling law.” *In re Syncor ERISA Litigation*, 516 F.3d 1095, 1100 (9th Cir.
9 2008) (citation omitted); Fed. R. Civ. P. 59(e).

11 Plaintiff’s filings are exceedingly difficult to follow and appear to advance substantially
12 the same arguments the Court previously rejected. The central themes of Plaintiff’s filings are
13 dissatisfaction with the Court’s prior ruling and an apparent belief that he is entitled to a jury trial
14 no matter how baseless his legal claims. As far as the Court can tell, Plaintiff points to no newly
15 discovered evidence, has not demonstrated clear error or manifest injustice, and has not brought
16 forth any change in the controlling law. Plaintiff’s duplicitous and unsupported arguments fail
17 for the same reasons identified in the Court’s earlier Order (Dkt. #43).

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23 as individual motions and several may be amended versions. *See e.g.*, Dkt. #59 (indicating
24 “FINAL AMENDED Motion for a new trial under Rule 59 New Trial; Altering or Amending a
25 Judgment”). Regardless, the distinction is of little use as all filings fail for the same reasons.

26 ³ The filings may also be considered motions for reconsideration under the Court’s Local Civil
27 Rules. LCR 7(h). But the distinction would not matter here as the standards are largely the same.
See LCR 7(h)(1) (“Motions for reconsideration are disfavored. The court will ordinarily deny
such motions in the absence of a showing of manifest error in the prior ruling or a showing of
new facts or legal authority which could not have been brought to its attention earlier with
reasonable diligence.”).

1 Accordingly, the Court finds and ORDERS that all of Plaintiff's post-judgment filings
2 (Dkts. #48–#49, #52–#59, and #63–#65) are DENIED. This matter remains CLOSED. The
3 Clerk shall mail a copy of this Order to Plaintiff's last known address.

4 DATED this 2 day of April, 2019.

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7 RICARDO S. MARTINEZ
8 CHIEF UNITED STATES DISTRICT JUDGE
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